

***United States Court of Appeals
for the
District of Columbia Circuit***



**TRANSCRIPT OF
RECORD**

COURT OF APPEALS OF THE DISTRICT OF COLUMBIA.

APRIL TERM, 1904.

No. 1425.

HENRY D. PHILLIPS, APPELLANT,

vs.

H. CLAY EVANS.

APPEAL FROM THE SUPREME COURT OF THE DISTRICT OF COLUMBIA.

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In the Court of Appeals of the District of Columbia.

HENRY D. PHILLIPS, Appellant, }
 vs. } No. 1425.
H. CLAY EVANS. }

a Supreme Court of the District of Columbia.

HENRY D. PHILLIPS, Plaintiff, }
 vs. } No. 44687. At Law.
H. CLAY EVANS, Defendant. }

UNITED STATES OF AMERICA, }
District of Columbia, } *ss* :

Be it remembered that in the supreme court of the District of Columbia, at the city of Washington, in said District, at the times hereinafter mentioned, the following papers were filed and proceedings had in the above-entitled cause, to wit:

1 *Declaration, &c.*

Filed May 20, 1901.

In the Supreme Court of the District of Columbia.

HENRY D. PHILLIPS, Plaintiff, }
 vs. } At Law. No. 44687.
H. CLAY EVANS, Defendant. }

The plaintiff, Henry D. Phillips, sues the defendant H. Clay Evans, for that whereas the said plaintiff, a citizen of the United States, residing in the city of Washington, District of Columbia, was, on the fifth day of February, nineteen hundred, and for twenty years continuously prior thereto, an attorney at law, practising his said profession, and was duly admitted and authorized to practise before the Department of the Interior of the United States, and the several bureaus thereof, and was duly authorized to prosecute any claim for pensions before the Pension Bureau of said department, in accordance with the rules and regulations of said department, and, in the practise of his said profession, under the authority afore-

said, had been employed by a large number of persons residing in various parts of the United States, to prosecute claims for pensions in the Pension Bureau, the prosecution of such cases being largely by correspondence with the said clients, conducted through the United States mails; and for that whereas, at the date last aforesaid, and for a long time prior and subsequent thereto, the said defendant, H. Clay Evans, was Commissioner of Pensions and the head or chief of said Pension Bureau, before which said bureau the said claims for pen-

sions were prosecuted, yet he, the said H. Clay Evans, contriving, and maliciously intending to injure the said plaintiff in his good name, fame and credit, and to bring him into public scandal, infamy and disgrace, and to vex, harrass and injure him, the said plaintiff, especially in his business of attorney, as aforesaid, and to bring him into disrepute with his said clients, and without any evidence before him that the plaintiff had been guilty of any unlawful or unprofessional conduct, of any kind or character whatsoever, nevertheless, unlawfully and maliciously, and without any just or probable cause, accused the plaintiff of having been guilty of unlawful and unprofessional conduct, in receiving fees in a pension claim of one Ann Chambers, in excess of those allowed by law, and unlawfully and maliciously, and without any just or probable cause recommended to the Secretary of the Interior that said plaintiff be disbarred, and procured from said Secretary of the Interior an order disbarring him, the said plaintiff, from further practise before the said Department of the Interior, for the alleged unprofessional conduct last aforesaid; that afterwards plaintiff filed a petition with the honorable Secretary of the Interior, reciting that the aforesaid disbarment was illegal, and subsequently, on April 26, 1900, the said Secretary made an order canceling and revoking and holding for naught the said order of disbarment of the said plaintiff; that on the said fifth day of February, 1900, the said plaintiff was the attorney of record in many thousands of applications for pensions pending before said Department of the Interior, in the said Bureau of Pensions, yet the said defendant, notwithstanding the premises, and well knowing that said plaintiff had been illegally and unjustly disbarred, without evidence, and well knowing said illegal order of disbarment would be revoked and held for naught, and that said revocation and cancellation of said order would operate to restore the said plaintiff to the roll of attorneys practising in said Interior Department, and before the bureaus thereof, as of the day and time when said illegal order of disbarment was made, and that the said illegal order of disbarment could not operate to deprive him of any fees or emoluments to which he was entitled by virtue of the statutes of the United States in such case made and provided, and well knowing that plaintiff had not been guilty of anything by which he should be deprived of the confidence of the public and of all persons who might have, and desire to present, claims for pensions, before the said bureau, nevertheless, between the said fifth day of February

and the twenty-sixth day of April, 1900, he, the said defendant, as Pension Commissioner, as aforesaid, notified the claimants in many of the said cases in which the said plaintiff was attorney of record, that he, the said plaintiff had been dropped from the roll of attorneys practicing before the said Bureau of Pensions, according to and to the tenor and effect of Exhibit "A" hereto attached and made a part hereof, and suggested to them, the said claimants, to procure the substitution of another attorney or attorneys, in the place and stead of said plaintiff,—in contravention and disregard of the said plaintiff's rights; and that, after the said twenty-sixth day of April, 1900, and after the making of said order by the said Secretary of the Interior, canceling, revoking and holding for naught the said order of disbarment of the said plaintiff, the said

4 defendant, wilfully and maliciously, and without just or probable cause, continued to send notices of the nature and character last aforesaid to claimants in many of the cases in which plaintiff was attorney as aforesaid, and to and until the twenty-second day of June, 1900.

By means of which said several premises, he, the said plaintiff, has been, and is, greatly injured in his credit and reputation, and has been brought into public scandal, infamy and disgrace with and amongst his neighbors and other good and worthy citizens of the United States, and his said neighbors and the said citizens, to whom his innocence in the premises was unknown, have been caused to suspect and believe, and still do suspect and believe that the plaintiff has been guilty of the said offense by the said defendant imputed to him, and the said defendant, by his conduct aforesaid, has caused many clients of said plaintiff to believe that he has been guilty of the unlawful conduct imputed to him by the said defendant.

And, by reason of the premises, the plaintiff has suffered great anxiety and pain of body and mind, and has been deprived of divers large gains and profits in his said business of attorney, practising before the said Department of the Interior and the several bureaus thereof, and especially the said Pension Bureau, and has been otherwise greatly injured in his character, reputation and circumstances, and has suffered damages in the sum of one hundred thousand dollars, for which he brings this suit and demands judgment.

HENRY D. PHILLIPS,
Attorney pro Se.

Notice to Plead.

5 The defendant is to plead hereto on or before the twentieth day, exclusive of Sundays and legal holidays, occurring after the day of the service hereof; otherwise judgment.

HENRY D. PHILLIPS,
Attorney pro Se.

Demurrer.

Filed June 12, 1901.

In the Supreme Court of the District of Columbia, Holding a
Criminal Term.

HENRY D. PHILLIPS	}	At Law. No. 44687.
vs.		
H. CLAY EVANS.		

The defendant says that the declaration filed by the plaintiff in the above-entitled cause is bad in substance.

ASHLEY M. GOULD,
Attorney for Defendant.

Note.

Among the points of law to be argued in behalf of the above demurrer is that the defendant is not responsible in damages as set out in said declaration, for acts done in the performance of his official duty.

ASHLEY M. GOULD,
Attorney for Defendant.

Supreme Court of the District of Columbia.

FRIDAY, *January 10th*, 1902.

Session resumed pursuant to adjournment, Hon. H. M. Clabaugh, justice, presiding.

* * * * *

HENRY D. PHILLIPS, Plaintiff,	}	No. 44687. At Law.
vs.		
H. CLAY EVANS, Defendant.		

Upon consideration of the demurrer filed herein June 12th. 1901; to the declaration, it is after hearing arguments of attorneys for the respective parties hereto, ordered that said demurrer be and it is hereby overruled, with leave to said defendant to take such action herein as he may be advised within twenty days hereof.

Bill of Particulars.

Filed December 26, 1903.

In the Supreme Court of the District of Columbia.

HENRY D. PHILLIPS	}	At Law. No. 44687.
<i>vs.</i>		
HENRY C. EVANS.		

In compliance with the order of the court requiring the plaintiff to furnish a bill of particulars, "setting forth a copy of the notice alleged in the declaration to have been sent to the clients of the plaintiff by the defendant; the titles of the cases in which
7 such notices were sent, and the names and addresses of such clients, and the times when such notices were sent," the plaintiff, protesting that said order is contrary to law and to the practice of this court, and that it imposes upon the plaintiff the burden of submitting his evidence prior to the day of trial, and by implication denies to him the right of securing additional evidence after a compliance with this order, the plaintiff, however, submits the attached list of cases, names and addresses, as containing the names and addresses of some of his clients to whom the letters referred to were sent, and the number of the cases of said clients respectively, and says that he is not able to be more definite as to the time, but states that they were sent within the time named in said declaration.

The plaintiff further states that there are many other cases in which letters of similar nature and purport were sent, and he claims that even though not able to include these in this return, that it is, and will be, his right to offer proof thereon on the day of trial.

The plaintiff further states that all of the letters written by Evans contained the following expressions, to wit: "Your attorney, Henry D. Phillips, Washington D. C., has been disbarred from practice before this bureau;" "The power of attorney in favor of Henry D. Phillips, of Washington, D. C., will not be recognized, because he was disbarred February 5, 1900, from practice before this bureau;" "If you wish to employ another attorney, it will only be necessary for the person selected to file a power of attorney from you at his own expense," and that the letters containing these statements and instructions were sent out by Evans during the entire four months specified in the declaration. The plaintiff attaches hereto a copy of two of the letters sent out by said defendant.

HAMILTON & COLBERT,
Att'ys for Plaintiff.

- Ctf. 717149 Moses E. Beed, F, 6th Iowa, Iroquois, S. D.
 Ctf. 669393 Nicholas Talleo, A, 56th Ills., Clarks Mills, Wisc.
 Ctf. 683302 Wesley Irwin, A, 5th U. S. C. H. A., Dayton, Ohio.
 Ctf. 622059 Granville H. Cheney, L, 16th Mo., Burlington, Ark.
 Ctf. 23226 Richard Hoff, U. S. Navy, Hyde Park, Cal.
 Ctf. 758563 Simon Rupert, L, 2d Pa., Manorville, Pa.
 Ctf. 456362 Addison M. Summers, G, 13th Ills., Ashley, Ills.
 Ctf. 868373 Peter Keim, K, 194th Pa., Mahanoy City, Pa.
 Ctf. 666599 James N. Randall, C, 9th Vt., Williamstown, Mass.
 Ctf. 800566 John Snyder, A, 79th Pa., Martinville, Pa.
 Ctf. 781298 John W. Campbell, H, 93d Pa., Amberson Valley, Pa.
 Ctf. 758937 William O. Fraser, B, 143d Ohio troop, Kansas.
 Ctf. 679904 William Jones, H, 126th Ills., Elliot, Ia.
 No. 129131 John McLaughlin, U. S. S. A. (still in service).
 Ctf. 253895 David P. Weaver, G, 1st N. J., Phila., Pa.
 Ctf. 1933734 Abraham W. Tillotson, A, 49th Wisc., Chicago, Ills.
 No. 1197899 Edward McArdle.
 Ctf. 869775 Chas. P. Kennedy, B, 36th Ills., Chicago, Ills.
 Ctf. 1223007 Daniel C. Cooper, G, 23d Wisc., Chicago, Ills.
 Ctf. 1016590 Luder Benedict, C, 9th Ills., Chicago, Ills.
 Ctf. 984034 Paul Mathyson, C, 15th Wisc., Chicago, Ills.
 Ctf. 490245 Henry M. Fitzgerald, K, 97th N. Y., Chicago, Ills.
 Ctf. 1007034 John McDonald, Bd. of Tr. bat., Ills. L. A., Chicago, Ills.
 Ctf. 1034947
 Ctf. 448631 Warren C. Gilbreth, 20th battery, Ind. L. A., Chicago, Ills.
 No. 1056139 William Whitehead, H, 7th Ills., Chicago, Ills.
 No. 1086296 Chas. W. George, I, 15th N. Y., Chicago, Ills.
 Ctf. 1021108 John Woodward, E, 60th Ohio, Chicago, Ills.
 Ctf. 610931 William McDowell, D, 100th Ind., Chicago, Ills.
 No. 8998 Orin H. Marsh, U. S. Navy, Dean, N. Y.
 Ctf. 1015187 Martin Webber, F, 72d Ills., Chicago, Ills.
 Ctf. 1000493 Davis E. Moulder, E, 124th Pa., Phila., Pa.

- Ctf. 906661 Sumner C. Bolton, F, 25th Me., Albion, Me.
 Ctf. 919122 Andrew Jackson, 2d (a) H, 58th U. S. C., Gloster, Miss.
 Ctf. 890771 Geo. W. Kirst, D, 1st Pa., Fredericksburg, Pa.
 Ctf. 907309 Benjamin Collins, K, 135th U. S. C., Benoit, Miss.
 Ctf. 918586 Wm. J. Lindsey, K, 17th Ohio, Quaker City, O.
 Ctf. 745988 Jos. M. Stone, C, 172d Ohio, Claysville, O.
 Ctf. 61549 Jacob F. Rice, I, 165th Pa., Bendersville, Pa.
 Ctf. 592340 Geo. W. Mayhew, A, 52d Ky., Alonzo, Ky.
 Ctf. 998069 Henry Mcardle, E, 140th Ills., Long Island, N. Y.
 Ctf. 815076 Christian Janing, D, 52 Wisc., Hika, Wisc.
 Ctf. 1000550 Wm. Jaenke, C, 30th Ills., Burksville, Ills.

Ctf. 996095 Philip Hughes, L, 5th U. S. C. T., Mt. Sterling, Ky.
 Ctf. 998528 Wm. Mellen, A, 173d Pa., St. Nicholas, Pa.
 Ctf. 29139 Michael Deady, U. S. Navy, Glennville, Conn.
 Ctf. 810642 John Daniels, A, 14th N. Y. H. A., Morristown, N. Y.
 Ctf. 555480 Martin V. B. Cale, A, 3d W. Va., Hutchinson, Kans.
 Ctf. 998238 Henty H. Church, F, 133d Ills., Gerard, Ills.
 Ctf. 624993 James Barbour, G, 202d Penn., Aspers, Pa.
 Ctf. 963184 Alexander P. McCown, E, 5th Ohio cav., Vining, O. T.
 Ctf. 670344 Arthur M. Chase, D, 15th N. H., Deerfield, N. H.
 Ctf. 924378 Adam Stein.
 Ctf. 787148 Chas. McGee, C, 101st Pa., Eleanor, Pa.
 Ctf. 593949 Wencel Kerscher, K, 7th Wisc., Francis Creek, Wisc.
 Ctf. 643634 A. J. Stumbaugh, K, 142d Pa., Silex, Ark.
 Ctf. 767456 Eli Shuck, I, 9th Mich., Burnips Corners, Mich.
 Ctf. 777343 Rossiter, R. Sanford, G, 1st Mich., Benton Harbor, Mich.
 Ctf. 672443 Wm. F. Norris, C, 104th Ills., Waller, Ills.
 Ctf. 649940 Isaac T. Lee, H, 27th Ia., Hopkins, Mo.
 Ctf. 998123 Chas. Camera, A, 1st Mo. cav., Hot Springs, Ark.
 Ctf. 515475 Wm. L. Johnson, E, 7th Ohio, Bronson, Kans.
 Ctf. 692015 Thos. E. Lord, E, 1st Wash., Kimball, O.
 Ctf. 996575 John G. Bridges, F, 113th Ills., Garfield, Mo.

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Ctf. 955000 Nelson Reid, corp., C, 107th Ills., Whiteheath, Ills.
 Ctf. 912754 George Reid, F, 3d H. A., Colliersville, Tenn.
 Ctf. 877330 Henry C. Rand, 4th brig. band, 2d div., 6th army corps, No. Adams, Mass.
 Ctf. 971675 Franklin Quantain, A, 12th Pa., Erie, Pa.
 Ctf. 996127 Jos. W. Pain, 9th Kans. vol., Cadmus, Kansas.
 Ctf. 1000392 Daniel E. Newton, I, 18th Wisc., Hewitt, Minnesota.
 Ctf. 22042 Hugh Morril, U. S. Navy, Phila., Pa.
 Ctf. 880554 Frederick Mitzel, K, 173d Pa., Dauphin, Pa.
 Ctf. 21212 Gleason F. Mead, U. S. Navy, Pittsfield, Pa.
 Ctf. 965494 John M. Martin, I, 139th Ills., Bath, Ills.
 Ctf. 884918 John W. McLain, H, 167th Ohio, Somerville, O.
 Ctf. 922903 Lorenzo D. Lockwood, E, 3d Mich. cav., Highland Station, Mich.
 Ctf. 96844 Horation N. Hood, A, 3rd Mass., Lewiston, Me.
 Ctf. 884600 Henry W. Harbrook, I, 2d Mass., Boston, Mass.
 Ctf. 916031 Abraham Hixenbaugh, N, 6th W. Va., Hundred, W. Va.
 Ctf. 28894 Geo. W. Cline, E, 1st Pa., Funkstown, Md.
 Ctf. 922483 A. J. Humes, I, 201st Pa., Carlisle, Pa.
 Ctf. 927488 Henry Hampton, A, 48th U. S. C. T., Lake Providence, La.
 Ctf. 962174 Chas. C. Lowry, commissary, 197th Pa., Phila., Pa.
 Ctf. 885568 Geo. W. Gifford, G, 4th Mich., Otter Lake, Mich.
 Ctf. 883249 James H. Furlan, F, 106th Pa., Dayton, Ohio.

- Ctf. 890823 Wm. Grandy, 2d Lt., B, 29th Mich., Bay City, Mich.
- Ctf. 997388 Edward Farrah, E, 2d Kans., Cloverdale, Kans.
- Ctf. 926648 John H. Dunmore, A, 149th Ills., Rock Island, Ills.
- Ctf. 923288 Geo. W. Edwards, C, 82d Pa., Enid, Pa.
- Ctf. 125696 Chas. M. De Wire, E, 11th Conn., Far Rockaway, N. Y.
- Ctf. 893780 Nicholas Coleman, B, 8th Del., Redding, Pa.
- Ctf. 21996 Thos. Calhoun, U. S. Navy, Sandy Bottom, Va.
- Ctf. 914272 John D. Burgh, D, 8th N. J., St. Louis, Mo.
- Ctf. 925272 Jos. Bridensteine, F, 67th Pa., Enid, Pa.
- Ctf. 918841 Frederick Brightcut, B, 29th N. Y., New York city.
- Ctf. 901941 Norvell Biggs, D, 36th Ohio, Foley, Oreg.

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- Ctf. 1000290 John Kesler, B, 2d Md., Magnolia, W. Va.
- Ctf. 489750 Lucinda F., wid. Daniel S. Hubbard, B, 9th Ills., Seymour, Miss.
- Ctf. 444696 Peter Haslett, G, 57th Ills., Chicago, Ills.
- Ctf. 1000484 Holden Harvey, I, 28th U. S. C. T., Chicago, Ills.
- Ctf. 998514 Richard S. Harrison, L, 12th Ky., Lake Charles, La.
- Ctf. 489276 Sarah A., wid. Owen W. Gridley, Mt. Morris, N. Y, 1st brig. band.
- Ctf. 1000149 Conrad S. Gates, D, 24th Ills., Chicago, Ills.
- Ctf. 997650 Valentine Gerlach, D, 9th Wisc., Elkhart Lake, Wisc.
- Ctf. 997753 Milton W. Doty, A, 6th Mich., Chicago, Ills.
- Ctf. 998165 Eli R. Crafton, K, 119th Ills., Liberty, Mo.
- Ctf. 492238 Catharine, wid. Wm. Cowman, M, 3d U. S. A., N. Y.
- Ctf. 997251 Jacob Bowers, H, 13th Md., Odell, Nebr.
- Ctf. 998833 Henry C. Bowers, B, 15th Pa. cav., Tallapoosa, Ga.
- Ctf. 489743 Susan, wid. Thos. Artz, H, 1st Md., Lydia, Md.
- Ctf. 28970 Isaac Fuhr, U. S. Navy, New York city.
- Ctf. 997806 Abraham Boak, E, 3d U. S. A., Harrisburg, Pa.
- Ctf. 1001945 Allen Reynolds, corp. bat. I., 2d Ills. L. A., Chicago.
- Ctf. 907295 Burkart, Youngable, D, 1st Wash. Ter., Louisville, Oreg.
- Ctf. 996305 Thomas Wright, C, 14th Mo. cav., Caledonia, Mo.
- Ctf. 996729 Wm. H. White, B, 14th Ky. cav, Lacota, N. D.
- Ctf. 896956 Jonathan P. Weygandt, I, 1st Ohio, Knox, Pa.
- Ctf. 882315 Abraham K. Vantine, C, 190th Pa., Verona, Pa.
- Ctf. 924476 Geo. Truitt, I, 19th Ia., Benson, Wash.
- Ctf. 922382 Henry Townsend, C, 88th Pa., Pottstown, Pa.
- Ctf. 898290 Moses B. Terrell, F, 1st Mich., Linden, Kans.
- Ctf. 672347 Susan, wid. Andrew Stutzman, D, 93s Pa., Lebanon, Pa.
- Ctf. 886643 Francisco Sena, H, 3d N. M., Chaperito, N. M.
- Ctf. 885877 Augustus H. Sanger, B, 24th Mass., Chelsea, Mass.
- Ctf. 912524 Elias L. Runyan, G, 135th W. Va., Robertsburg, W. Va.
- Ctf. 898356 James Robbins, A, 32d Wisc., Waupen, Wisc.
- Ctf. 870055 Milton Reynolds, B, 38th Ind., Rocky Ford, Col.
- Ctf. 955000

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- Ctf. 773759 Franklin Betz, I, 50th Pa., De Turkville, Pa.
 Ctf. 866719 John Bond, K, 6th Mass., Waterloo, N. Y.
 Ctf. 874934 Frank Bohlinger, B, 58th Ind., Montana, Wisc.
 Ctf. 155902 John F. Benner, C, 148th Pa., Colton, Cal.
 Ctf. 351760 George H. Barker, G, 103d Ohio, Iuka, Kans.
 Ctf. 901619 Stephen W. Atwood, D, 13th N. H., Epping, N. H.
 Ctf. 152945 Asbe Montgomery, A, 9th W. Va., Rossville, Kans.
 Ctf. 896349 John W. Newman, C, 14th Ky., Beattyville, Ky.
 Ctf. 687402 Henry Schadt, G, 2d Conn. H. A., Bridgeport, Conn.
 Ctf. 910621 John C. Walker, C, 3d Ills., Okla., O. T.
 Ctf. 219592 Henry K. Yeakey, F, 30th Ind., Hopkins Station, Mich.
 Ctf. 896759 John W. Hines, G, 16th Kans. cav., Carwile, O. T.
 Ctf. 871011 Anthony B. Bitting, D, Indp. Bat. Pa. L. A., Redding, Pa.
 Ctf. 489569 Elizabeth, wid. John Young, C, 47th Ills., Modesta, Ills.
 Ctf. 453593 Margaretha, wid. Henry Wissmarth, F, 22d Ills., Waterloo, Ill.
 Ctf. 997051 Wm. W. Wells, E, 46th Pa., Phila.
 Ctf. 28962 Thos. H. Upton, U. S. Navy, Hot Springs, Ark.
 Ctf. 17117 G. W. Strayline, K, 3d U. S. I., Hampton, Va.
 Ctf. 490313 Eliza, wid. Andrew Stevens, L, 13th Pa., Berkshire, N. Y.
 Ctf. 489905 Catharine, wid. Leo. J. Staub, C, 202d Pa., New Oxford, Pa.
 Ctf. 489400 Francis I. Smith, wid. of Hugh, F, 208th Pa., Seville, Pa.
 Ctf. 490539 Laura O., wid Wm. Scott, I, 134th Ohio, Alger, Ohio.
 Ctf. 996647 Josiah Schrock, I, 88th Pa., Lanark, Ills.
 Ctf. 999217 Lorenzo Schieder, H, 49th Ills., Waterloo, Ills.
 Ctf. 997823 James C. Prince, C, 8th Mo., Chicago, Ills.
 Ctf. 314380 Milon F. Perry, D, 8th Vt., Wardsborough, Vt.
 Ctf. 969221 John A. Morton, I, 5th N. Y. H. A., Lowville, N. Y.
 Ctf. 972103 Richard L. Miller, E, 1st Del. cav., Phila., Pa.
 Ctf. 1000188 Frank Meilstein, band, 12th Pa., Pittsburgh, Pa.
 Ctf. 1000390 Jos. J. McDonald, F, 6th Pa. H. A., Pittsburgh, Pa.
 Ctf. 11222 Adolph F. Margrar, U. S. Navy, New York city.

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- Ctf. 896659 John Manor, A, 2d Pa., Deckers Point, Pa.
 Ctf. 668823 Jacob Stauffer, E, 78th Ills., Pearl, Ills.
 Ctf. 6397 Thos. McNeill, U. S. Navy, Chicago, Ills.
 Ctf. 906891 James M. Wiley, E, 1st Pa. cav., Blacklick, Pa.
 Ctf. 203222 David Whitten, D, 65th Ind., Dale, Ind.
 Ctf. 947592 Heinric Weinberger, musician, U. S. Mil. Acad., West Point, New York city.
 Ctf. 326143 Hyatt Traves, I, 3d Ohio, Greenwich, Ohio.
 Ctf. 334045 Lewis Thornburg, sgt., D, 39th Ky., Ashland, Ky.

- Ctf. 913067 William F. Thomas, H, 34th Ind., Mary Island, Alaska.
- Ctf. 369004 Chas. H. Stowell, I, 94th N. Y., Lowville, N. Y.
- Ctf. 922196 Francis Snyder, B, 8th N. Y., New York city.
- Ctf. 919833 John W. Sherrer, D, 10th Mp., Prescott, Kans.
- Ctf. 769072 Albert Schanten, H, 1st Ohio, Bettsville, Ohio.
- Ctf. 868557 Chas. G. Schinkel, C, 58th Ohio, New York city.
- Ctf. 720072 Abraham Slough, B, 86th Ohio, Springfield, O.
- Ctf. 589793 John Runner, I, 145th Ohio, Castalia, O.
- Ctf. 687165 Lucian E. Rowe, B, 11th Mich., Delta, O.
- Ctf. 519114 Josiah Moyer, corporal, A, 50th Wisc., Dale, Wisc.
- Ctf. 616242 James McIntyre, H, 465 Mo., Olathe, Mo.
- Ctf. 896925 John L. McKee, G, 101st Pa., Bloomdale, Ohio.
- Ctf. 508048 Joseph McAlister, I, 2d Ky. cav., Hunwell, Ky.
- Ctf. 896987 Jose Hurban Lusero, D, 3d N. M., Albert, N. M.
- Ctf. 173211 Thomas Lennen, F, 23d U. S. I., Washington, D. C.
- Ctf. 632958 Daniel Grafft, A, 129th Ills., Eureka, Ills.
- Ctf. 948109 Wesley F. Gossard, K, 149th Pa., Conemaugh, Pa.
- Ctf. 36095 Brice J. Coonse, A, 18th Ohio, Byhalia, O.
- Ctf. 326698 Stephen L. Cooley, F, 10th Ky., Rollins, Ky.
- Ctf. 550493 James Coffey, L, 5th N. Y. H. A., Lowville, N. Y.
- Ctf. 701810 George B. Cortrell, C, 1st Ala., Eros, Ark.
- Ctf. 849061 Jerome A. Buck, L, 2d Pa. H. A., Phila.
- Ctf. 866271 Moses Brough, M, 3d N. Y. cav., Pierpont, S. D.

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- #1221406 Henry R. Caufield, K, 17th U. S. C. T. T., Chicago, Ills.
- Ctf. 1011602 David Lewis, D, 29th U. S. C. T., Chicago, Ills.
- #1024629 Chas. H. Berry, E, 1st N. Y. cav., Chicago, Ills.
- Wid. # 496475 Helen T., wid. Chas. R. Kymes, D, 4th Ark., Buckville, Ark.
- Ctf. 21760 Stephen Notta, U. S. Navy, Hampton, Va.
- Ctf. 890969 Alfred B. Walford, sgt. major 97th Ohio, Pawnee City, Nebr.
- Ctf. 894952 Chas. M. Goodman, E, 74th Pa., Milton, Pa.
- Ctf. 924747 Washington Smith, A, 43d Mo., Dodgeville, O.
- Ctf. 935645 James R. Wood, A, 22d Ohio, De Soto, Mo.
- Ctf. 893166 Thomas H. Lucas, corp., C, 30th Mich., Minneapolis, Minn.
- Ctf. 918599 Joshua Nickelson, H, 103d Ills., Marmoros, Mo.
- Ctf. 895047 Samuel A. Gibb, B, 135th Pa., Karns City, Pa.
- Ctf. 971976 Green S. Watkins, band, 37th Ind., Pink, Ky.
- Ctf. 883767 John A. Flagg, C, 128th O., Homer, N. Y.
- Ctf. 902647 Hiram Alwein, I, 83d Pa., Lebanon, Pa.
- Wid. ctf. 542197 Thomas P. Hollis, I, 149th Ohio, Kansas City, Kans.
- Ctf. 897466 William I. Moffitt, C, 66th Ind., Kiowa, Kans.
- Ctf. 566033 Henry Tyler, M, 4th U. S. C. H. A., Van Buren, Ark.
- Ctf. 19878 William Price, U. S. Navy, Phil., Pa.

Ctf. 901372 Thomas G. Rowe, Signal Corps, U. S. A., Blairsville, Pa.
 Ctf. 96486 William R. Gibson, C, 52d Pa., Hot Springs, Ark.
 Ctf. 97279 William H. McConaughty, B, 34th Ohio, Des Moines, Ia.
 # 1056236 Edward A. Hauptman, B, 73d Ills., and H, 93d N. Y.,
 Chicago.
 Ctf. 67994 William Jones, H, 126th Ills., Elliot, Ia.
 # 1129513 Samuel Hayes, L, 4th Mo., Liberty, Mo.
 Ctf. 968012 William Goodyear, I, 17th Ills., Chicago, Ills.
 Ctf. 477174 William Koeb, G, 74th N. Y., New York city.
 Ctf. 928035 John W. Baker, H, 28th U. S. C. T. T., Chicago, Ills.
 Ctf. 695980 William E. Timbers, F, 55th Ohio, Sterling, Kans.
 Ctf. 879186 John S. Pixley, I, 11th Mich., Northwood, Ia.
 Ctf. 434322 Philo N. Smith, B, 5th Mich., Clare, Mich.

15

Ctf. 1001317 Phillip Kaul, D, 1st N. Y. L. A., Brooklyn, N. Y.
 Ctf. 1000860 Jacob W. Christ, H, 209th Pa., Phila., Pa.
 Ctf. 950147 John Peters, 8, 22c Pa. cav., Carlisle, Pa.
 # 1110270 Edwin Leister, A, 194th Pa., Phila., Pa.
 No. 1216816 John W. Blodgett, H, 14th Ohio, Chicago, Ills.
 Ctf. 1006521 George W. Willcoxson, A, 2d Mich., Chicago, Ills.
 # 525382 Alfred H. Armor, H, 5th Wisc., Chicago, Ills.
 Ctf. wid. 517048 Maggie, wid. Jas. E. Keasey, E, 13th Ind., Chicago,
 Ills.
 # 937705 John Cox, K, 134th Ills., Chicago, Ills.
 Wid. ctf. 509978 Catharine, wid. James Harvey, A, 58th Ills., Chi-
 cago, Ill.
 Ctf. 1000775 Jay E. Van Vlack, I, 134th Ills., Chicago, Ills.
 Ctf. 1007272 Frederick Worth, E, 152 Ind., Chicago, Ills.
 Ctf. 1038162 William D. O'Brien, K, 3c U. S. L. A., Chicago, Ills.
 Ctf. 940186 Henry H. Windsor, I, 4th Va., Morrisonville, Ills.
 Ctf. 956750 George M. Clark, E, 3c Mass. H. A., Lowell, Mass.
 Ctf. 1057482 Eli White, 28th Mo., Mineral Point, Mo.
 Ctf. wid. 515898 Caroline E., wid William Fuhman, band, 27 Pa.,
 Phila.
 Ctf. 30694 Patrick H. Gilmartin, U. S. Navy, Chicago, Ills.
 Ctf. 763904 John H. Carr, K, 7th Ia., Chicago, Ills.
 Ctf. 130697 Elliot Milton, B, 8th Ky., Mayfield, Ky.
 No. 210564 Leander T. Fisher, 27 battery N. Y. L. A., Chicago, Ills.
 # 871563 Finley A. MacDonald, A, 41st Ohio, Chicago, Ills.
 Ctf. 1015827 Thomas P. Smith, F, 124th Pa., Westchester, Pa.
 Ctf. 1001958 William M. Temple, B, 49th Pa., Altoona, Pa.
 Wid. ctf. 504895 Helen, wid. Lewis T. Bodine, 2d Lt., A, 149th Pa.,
 Chicago.
 Ctf. 737575 Henry H. Otto, C, 205th Pa., Altoona, Pa.
 # 1230385 Michael H. Madden, K, 146 Ills., Chicago, Ills.
 # 689897 Elizabeth, wid. Christian Breck, D, 1st N. Y., Chicago.
 Ctf. 1001575 James N. Phillips, I, 196th Pa., Chicago, Ills.
 Ctf. 1012891 Allen J. Hillier, I, 30th Ills., Chicago, Ills.

Ctf. 539265 Allen Johnson, G, 5th U. S. C. H. A., Chicago, Ills.
 # 1125722 Charles Sawyer, A, 25th U. S. C. T. T., Chicago, Ills.
 # 1221406.

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Ctf. 899574 Cyrus F. Grunden, A, 71st Ohio, Lima, Ohio.
 Ctf. 763729 Charles H. Thompson, E, 1st Vt., Hartland, Vt.
 Ctf. 1118625 David Cook, D, 16th U. S. C. T., New Providence,
 Tenn.
 Ctf. 835505 Coleman Adams, E, 15th Ky., Viola, Ky.
 Ctf. 1079655 Chas. Dix, I, 14th Ills., Gerard, Ills.
 Ctf. 821700 Christopher Wetsel, F, 24th 8 Ills., Bushnell, Ills.
 Ctf. 817087 James C. Boyd, I, 6th Pa. H. A., Tecumseh, Mich.
 Ctf. 374022 Joseph Jackinstall, F, 26th Wisc., Manitowoc, Wisc.
 Ctf. 671866 John T. Quick, A, 53d Ills., Centralia, Ills.
 Ctf. 670006 Hans Frederickson, I, 126th Ills., Audubon, Ia.
 Ctf. 611092 John W. Perry, D, 33d Ind., Curtisville, Ind.
 Ctf. 766924 John W. Hart, E, 21st Pa., Carlisle, Pa.
 Ctf. 182755 David C. Farmer, G, 1st Tenn., Baxter Springs, Kans.
 Ctf. 656143 James R. Dale, sgt., A, 5th Tenn., Dongola, Ills.
 Ctf. 723240 David R. Doner, C, 93d Ohio, Dalton City, Ills.
 Ctf. 67903 Merwin H. Farnham, F, 141st Ills., Womer, Kans.
 Ctf. 830325 Andrew J. Goodman, I, 2d cav., Gray, Ky.
 Ctf. 997898 Francis Noon, E, 2d Cal., Yountsville, Cal.
 Ctf. 73791 John Bough, H, 2d Mo. La., Gainesville, Mo.
 Ctf. 838914 Geo. W. Fox, B, 60th U. S. C. T., Alton, Ills.
 Ctf. 539174 Henry G. Cashman, corp., I, 161st Pa., Carlisle, Pa.
 Ctf. 613707 John A. Warner, G, 49th Pa., Beysonia, Pa.
 Ctf. 679904 William Jones, H, 126th Ills., Elliott, Ia.
 Ctf. 648520 C. B. Mathews, H, 33d Wisc., Armstrong, Ia.
 Ctf. 591400 John V. Becketl, I, 76th Ohio, Paterson, Ohio.
 Ctf. 676278 Prine Page, A, 7th Ky. cav., Grange City, Ky.
 Ctf. 746779 Daniel E. Bristol, D, 114th N. Y., West Eaton, N. Y.
 Ctf. 924378 Adam Stein, G, 1st Wisc., Meene, Wisc.
 Ctf. 1008624 Edward Stumpff, A, 295th Pa., Center Hall, Pa.
 Ctf. 959001 William Linscott, G, 151st Ohio, Bartlett, O.

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Ctf. 653928 Richard Costello, C, 44 Ills., Sold.'s Home, Los Angeles
 Co., Cal.
 Ctf. 915137 Mitchell R. Snively, B, 184 Ohio, Sold. Home, Dayton,
 Ohio.
 Ctf. 846104 Miles Blood, E, 171 Ohio, Shreve, Ohio.
 Ctf. 913533 Daniel Bowbot, D, 4 Prov. E. Mo., Milondale, Mo.
 Ctf. 763904 John H. Carr, K, 7th Ia. cav., Chicago, Ills.
 Ctf. 1025088 Louis W. Koenig, A, 72 Ills., Chicago, Ills.
 Ctf. 781312 John H. Deming, H, 2 U. S. A., Wataga, Ills.
 Ctf. 326978 John L. Fulk, H, 20 Ohio, Lordstown, Ohio.
 Ctf. 679194 Jeremiah H. George, I, 92 Ills., Shadwick, Ills.

- Ctf. 1001141 Wm. D. Gibson, D, 13 Pa., Nesquehoning, Pa.
 Cft. 64678 Thos. N. Hancock, B, 17 Ills., Olathier, Kans.
 Ctf. 716546 Wm. E. Hopkins, F, 18 Ia., Unionville, Ia.
 Ctf. 998065 Wm. D. Hough, A, 169 Ohio, Woodbury, Mich.
 Ctf. 996383 Torger K. Hougen, E, 19 Wis., St. Mazians, Wis.
 Ctf. 520250 Bridget O'Rouke, moth. Jos., 1, 4 U. S. inf., Chicago.
 # 1229704 Richard Stross, band, 2 Ills., Chicago.
 # 559100 Anna McCormick, wid. Dennis, E, 124 N. Y., Gladwin
 City, Mich.
 Ctf. 688440 Irving M. Seamans, H, 32 Wis., Buffalo, N. Y.

18

- Ctf. 1229256 Geo. J. Constant, D, 8 Ills., Chicago, Ills.
 # 1231826 Herschel Ford, C, 8 Ills., Chicago, Ills.
 # 1227911 Alonzo V. Curry, B, 8 Ills., Chicago.
 Ctf. 458487 Chas. Wolf, J, 108 N. Y., Chicago, Ills.
 Ctf. 879648 Ranson N. Nokes, G, 16 Ills., Chicago, Ills.
 # 1227440 John W. Allison, A, 8 Ills., Chicago, Ills.
 Ctf. 1021007 Geo. A. Roley, H, 14 Ills., Chicago, Ills.
 # 1240223 Bill Meyers, H, 2 U. S. Eng. Chicago, Chicago.
 # 1125959 Richard Dodson, L, 6 Ia. cav., Chicago.
 # 1230544 Wm. F. H. Cronin, G, 2 Ills., Chicago.
 # 1232307 James Maze, B, 8 Ills., Chicago.
 # 1229467 Albert Payne, B, 8 Ills., Chicago.
 # 1225938 Ossie W. Holmes, A, 8 Ills., Chicago.
 # 1225672 Edmund A. Tidwell, A, 8 Ills., Chicago.
 # 713516 Phebe J. Quarles, moth. Jas. W., L, 4 Mo., Warrens-
 burgh, Mo.
 # 704028 Jessie F. Miffin, moth. Herbert, B, 4 U. S. inf., Chicago.
 # 1225941 Theodore B. Jackson, A, 8 Ills., Chicago.
 # 1226899 Wm. M. Gardner, C, 8 Ills., Chicago.
 Ctf. 489654 Bridget Marren, moth. Frank, B, 1 Pa., Ashland, Pa.
 Ctf. 85931 Johan C. Hoffing, U. S. Navy.
 Ctf. 69687 Jacob B. Rifley, G, 108 Pa., Oakdale, Pa.
 Ctf. 489859 Catherine D. King, wid. Jas., F, 3 Mo., Chicago.
 Ctf. 578463 Martin Heldman, B, 48 Ills., Chicago, Ills.
 # 1225634 Garland Nowland, C, 8 Ills., Chicago.
 # 1231863 Chas. E. McLarty, C, 1 Fla., Fernandina, Fla.
 # 1226165 Edw. P. Smith, A, 8 Ills., Chicago, Ills.
 Ctf. 13864 Mary Marr, moth. Duncan, U. S. Navy, Chicago, Ills.
 Ctf. 815262 John V. Sailer, A, 183 Pa., Phila., Pa.
 Ctf. 418743 Horace H. Johnson, B, 145 Pa., Pittsburgh, Pa.
 Ctf. 742839 Henry Dowhower, B, 76 Pa., Lancaster, Pa.

19

- Ctf. 753261 Susan, wid. Thos. Cavanaugh, A, 17 N. Y., Newark,
 N. J.
 Ctf. 996967 A. Judson Clark, B & F, 1 N. J., Newark, N. J.
 Ctf. 498780 Anthony Champion, B, 97 N. Y., Maumburgh, N. Y.

- Ctf. 610931 William McDowell, D, 100 Ind., Chicago, Ills.
 Ctf. 584129 Viva, wid. Henry H. Hyde, 1, 4 Ill. cav.; P. O. not as-
 certain-.
- Ctf. 947642 Michael McHugh, G, 21 N. J., Jersey City, N. J.
 Ctf. 1186108 Chas. Drake, C, 30th N. J., Newark, N. J.
 Spanish Margaritha D. Peterson, moth. Herman C. S., Co. K, 1 Ill.
 (P. O. not ascertained).
- Ctf. 41433 Michael Ward, U. S. Navy; P. O. not ascertained.
 Ctf. 1000484 Holdon Harvey, I, 28 U. S. C., Chicago, Ills.
 John H. Vannoy, F, 7 Ind., Iola, Kans.
- Ctf. 48641 Aaron H. Moyer, I, 16 Pa. cav., Hollyville, Pa.
 Ctf. 861828 W. Holt, col. 31 N. J., Trenton, N. J.
 Ctf. 1006521 Geo. J. Wilcoxson, A, 2 Mich., Chicago, Ills.
 Ctf. 29908 Michael Albert, U. S. Marine Corps, Orange, N. J.
 Ctf. 1030279 Daniel Loder, maj. 10 N. J., Trenton, N. J.
 Ctf. 526201 Jos. Sernby, D, 25 U. S. C., Pennington, N. J.
 #517048 Maggie A. Keasey, wid. Jas. A. Keasey, E, 13 Ind., Chicago.
 #699957 Wid. Daniel Morgan, A, 33 N. J.; P. O. not ascertained.
 Ctf. 1015187 Martin Webber, F, 72 Ills., Chicago, Ills.
 Ctf. 107034 John McDonald, stoker Indpt. Batt'y Ills., Chicago, Ills.
 Ctf. 1016590 Benedict Luder, C, 9 Ills. cav., Chicago, Ills.
 Ctf. 1000263 Daniel C. Cooper, G, 23 Wisc., Chicago, Ills.
 Ctf. 492724 Carrie F., wid. Franklin H. Baugh, C, 8 Ohio cav.,
 Chicago.
- Ctf. 1007272 Fred Worth, D, 152 Ind., Chicago, Ills.
 Ctf. 1000160 Jacob W. Christ, H, 201 Pa., Phila., Pa.
 #702792 Christine Kuttruff, wid. Wm., B, 39 N. Y., Chicago, Ills.
 Ctf. 875958 Jacob Block, A, 4 Mo. cav., Chicago, Ills.
 #1126107 Thos. Lynch, I, 2 Ills. A., Chicago, Ills.
 #45174 W. G. Sweeney, U. S. Navy, Chicago, Ills.
 Ctf. 1008152 Emphraim Burkett, A, 205 Pa., Altoona, Pa.
 #1239615 John R. Powley, A, 19 Ills., Chicago, Ills.

20

- Ctf. 180966 Luther Calloway, H, 1 N. J., Trenton, N. J.
 Ctf. 493996 Eunice Edgar, wid. Rob't, D, 182 Ohio, Prairie Depot,
 O.
- Ctf. 498951 Jessie F. Mifflin, wid. Herbert, B, 4 U. S. inf., Chicago.
 Ctf. 45249 Lawrence Cumnerford, U. S. Navy; P. O. not ascertained.
 Ctf. 431424 Henry S. Barnes, B, 4 Mich., Rahway, N. J.
 #525382 Alfred H. Armor, H, 5 Wis., Chicago, Ills.
 Ctf. 659406 Michael Hire, E, 112 Ills., Chicago, Ills.
 Ctf. 1015898 Thos. Lynch, batt'y 1, 2 Ill., Chicago, Ills.
 #1153716 David Fleet, G, 10 N. Y. cav., Chicago, Ills.
 Ctf. 774623 Chas. H. Bussum, M, 12 Ills. cav., Chicago, Ills.
 #844160 Franklin N. Nelson, I, 156 Ills., Chicago, Ills.
 Ctf. 908883 Edward McCormick, H, 2 Pa., Phila., Pa.
 Ctf. 1038162 W. D. O'Brien, G, 14 N. H., Chicago, Ills.
 Ctf. 998755 Amos C. Keepers, D, 15 N. J., Sparta, N. J.

- Ctf. 992700 Edward S. Murray, D, 23 Ills., Chicago, Ills.
 Ctf. 1005591 John Walker, K, 115 Ills., Doniphan, Nebr.
 Ctf. 523233 Magritha, wid. Andreas Muehlhauser, H, 49 Ills., Mer-
 rimac, Ills.
 Ctf. 1032113 Geo. W. Thomas, A, 125 Pa.; P. O. not ascertained.
 Ctf. 1007685 Geo. W. M. D. Woods, I, 5 Tenn., Gassaway, Tenn.
 Ctf. 513353 Martha E., wid. Jonathan M. Gear, G, 151 Ind.; P. O.
 not ascertained.
 Ctf. 490297 Sarah A., wid. Dockerty, E, 3 N. J. cav., Trenton, N. J.
 # 680827 Mary G., wid. Wm. G. Sippy, I, U. S. C., Alexandria, Va.
 # 1218304 John Woodward, E, 60 Ohio, Chicago, Ills.
 Ctf. 850552 Asher Grant, I, 40 N. J., Tows River, N. J.
 Ctf. 32218 Chas. Keller, U. S. Navy; P. O. not ascertained.
 Ctf. 263025 Elias C. Winnans, K, 9 N. J., Elizabeth, N. J.
 Ctf. 11933 Mary C., wid. Walter A. De Witt, U. S. Navy, Harrison,
 N. J.
 Ctf. 215446 Robert Griscomb, D, 23 N. J., Pemberton, N. J.
 Ctf. 520513 Margaret J. Morgan, wid. Daniel, A, 33 Ohio, Embank, Ky.
 Ctf. 556533 Agnes, wid. John L. Walraven, B, 22 N. J.; P. O. not
 ascertained.

21

- # 1195955 Abram B. Farrington, B, 6 Cal., New York city.
 Ctf. 888600 James Cole, H, 18 Ills., Alto. Pass, Ills.
 Ctf. 662942 Walter L. Winter, D, 4 Minn., Custer City, S. D.
 Ctf. 882025 Samuel R. Shankland, A, 2 Cal., Custer City, S. D.
 Ctf. 505781 Annie Stuart, wid. David P., B, 14 N. Y., Brooklyn,
 N. Y.
 Ctf. 610931 Wm. McDowell, D, 100 Ind., Chicago, Ills.
 Ctf. 984034 Paul Mattison, C, 18 Wis., Chicago, Ills.
 # 490787 Emma, wid. Furman Brown, I, 3 N. J. cav., Clarks-
 burg, N. J.
 # 888999 August Runyan, I, 5 N. Y. cav.; P. O. not ascertained.
 # 1238174 Jos. W. Thorn, C, 29 N. Y., Whitesville, N. J.
 # 688390 Elizabeth Montgomery, wid. Samuel, B, 8 U. S. C.; P. O.
 not ascertained.
 Ctf. 875827 Chas. F. Bonney, E, 9 N. J., Paterson, N. J.
 # 685358 Mary A., wid. Chas. A. Gallagher, G, 69 N. Y.; P. O. not
 ascertained.
 Ctf. 301678 Fred A. Faire, Signal Corps U. S. A., Charleston, Me.
 Ctf. 964032 Christian Brann, H, 5 Pa. cav., Trenton, N. J.
 Ctf. 504039 Eliza Jane, wid. Winslow L. Scoville, G, 11 N. Y. cav.
 (P. O. not ascertained).
 Ctf. 12001575 James N. Phillips, I, 107 Pa., Chicago, Ill.
 Ctf. 504895 Helen, wid. Lewis T. Bodine, A, 149 Ills., Chicago,
 Ills.
 Ctf. 26550 Thos. H. Simmons, U. S. Navy, Wolfboro, N. H.
 Ctf. 1001945 Jos. A. Reynolds, batt'y L, 2 Ills., Chicago, Ills.

Ctf. 999278 John Raub, E, 103 N. Y., Newark, N. J.
 Ctf. 1011602 David Lewis, D, 29 Colo., Chicago, Ills.
 Ctf. 279130 Wm. H. Mason, C, 29 N. J., Camden, N. J.

22 L.
 M. E. H.

DEPARTMENT OF THE INTERIOR,
 BUREAU OF PENSIONS,
 WASHINGTON, D. C., *February 13, 1900.*

Mr. Castleton B. Jones, Metal, Franklin county, Pennsylvania.

SIR: Referring to an application for pension filed February 5, 1900 in your behalf as formerly of Co. H, 21st Pa. cav. ctf., No. 893,550, you are advised that, while the declaration is accepted as formal, the power of attorney therein in favor of Henry D. Phillips of Washington, D. C., will not be recognized because he was disbarred February 5, 1900, from practice before this bureau.

If you wish to employ another attorney, it will only be necessary for the person selected to file a power of attorney from you at his own expense.

Very respectfully,

J. L. DAVENPORT,
Acting Commissioner.

23

3-495.

Southern div.

E. D. G., ex'r.

I. O. No. 1,129513.

Samuel Hays, L. 4 Pwo. En. Mo. Mil.

The above title should be indorsed on every paper relating to this claim.

DEPARTMENT OF THE INTERIOR,
 BUREAU OF PENSIONS,
 WASHINGTON, D. C., *Mar. 6, 1900.*

SIR: In response to the request of Hon. John Dougherty for information relative to the condition of the above entitled claim for pension, you are informed that it awaits the evidence indicated in the accompanying circular letter, and that, upon the receipt of said evidence, the case will be further considered in its turn.

Your attorney Henry D. Phillips, Washington D. C., has been disbarred from practicing before this bureau.

Very respectfully,

H. CLAY EVANS,
Commissioner.

Samuel Hays, Liberty, Clay Co. Mo.

24

Amended Declaration.

Filed March 14, 1904.

In the Supreme Court of the District of Columbia.

HENRY D. PHILLIPS, Plaintiff,	}	At Law. No. 44687.
vs.		
H. CLAY EVANS, Defendant.		

Now comes the plaintiff Henry D. Phillips and by leave of the court first had and obtained, amends his declaration against the defendant H. Clay Evans:—

1. By adding and inserting to the first and original count of said declaration, the following claim for damages immediately after the word "bureau," and immediately before the words "and has been otherwise greatly injured in his character, reputation and circumstances &c.," the following: "and by means of the premises the said plaintiff also lost and was deprived of divers great gains, profits, fees and emoluments which he was lawfully entitled to receive to his great benefit, and also lost large numbers of his clients and persons throughout the United States who had employed him to prosecute their several claims before the said department and said Pension Bureau and many other persons throughout the United States having like claims before the said department and said Pension Bureau and elsewhere in his said business as attorney, who thereby refrained from employing him, a more particular description of which said clients and persons, to wit: twenty thousand and upwards, it is impossible and too numerous to mention and their number, names and addresses to give, and which are to the plaintiff unknown; and which said knowledge and information respecting said

clients and persons having claims who then and there
 25 employed the plaintiff before the said Pension Bureau, is within the knowledge and control of the defendant; and by means of which said premises the plaintiff was also greatly injured in his said business and the use, property and value thereof was greatly and permanently injured, impaired and reduced at and between the several times aforesaid; and also by means of which said premises, the said plaintiff was put to great costs, charges and expenses in the employment of attorneys to obtain the said cancellation, revocation and annulment of the said order of illegal disbarment; and the plaintiff was also put to great costs, losses, charges and expenses, in and about the endeavors to restore his said business and to repair the said injury and impairment thereof; and also in advising and notifying his said clients and said other persons throughout the United States of the illegality of his said disbarment during the apparent continuance thereof, and also of the said revo-

cation thereof subsequent to the annulment of said disbarment, and of the fact that the plaintiff was in good standing and entitled to prosecute their said claims before said department and said Pension Bureau."

Second count. The plaintiff Henry D. Phillips further sues the defendant H. Clay Evans for that whereas before and at the time of the committing of the grievances hereinafter mentioned, the plaintiff held the office of and was an attorney duly licensed to practice before the Interior Department of the United States and the several bureaus thereof, and was duly authorized and had the lawful right to practice and prosecute all claims including any claim for pension before the Pension Bureau and had acquired and owned a large practice of great value, to wit: one hundred and fifty thousand
26 (\$150,000) dollars in and about his said business and derived from his said office and business as attorney as aforesaid, and as hereinafter mentioned, sundry great advantages, profits and gains.

And whereas, the defendant before and at the time of the committing of the grievances hereinafter mentioned was the Pension Commissioner of the United States and the chief and head of the said Pension Bureau, and maliciously, falsely, oppressively, wilfully, wrongfully and unjustly contriving and intending without lawful authority and without power and jurisdiction, in the use of his said official position to injure, prejudice and damnify the plaintiff and to disturb, disquiet and deprive the plaintiff of the said advantages profits and gains of his said business and to ruin, impair and destroy the use and value of his said business, and the other wrongs to do the plaintiff as hereinafter mentioned, whilst the plaintiff so held and enjoyed his said office as attorney, and said business in the District of Columbia on to wit:—the 5th day of February, 1900 maliciously, falsely, oppressively, wilfully, wrongfully, knowingly and unjustly, and contrary and beyond his duty and authority and without his jurisdiction did procure and cause to be procured, without notice and an opportunity to the plaintiff for a hearing before the honorable Secretary of the Interior, the exclusion of the plaintiff from further practice before the said Department of the Interior and the said Pension Bureau by the honorable Secretary of the Interior, contrary to the provisions of section 5, of the act of Congress approved July 4, 1884 in such case made and provided, whereof the plaintiff was by the procurement of the defendant then and there disfranchised and disbarred to wit: on the 5th day of February, 1900 upon the records of the said department and the said Pension Bureau

without evidence, upon an unlawful, false, malicious, wrongful
27 and oppressive allegation theretofore made or caused to be made by the defendant, and thereafter so as aforesaid asserted and renewed to the said Secretary of the Interior, of the tenor and effect that the plaintiff had theretofore been guilty of unlawful and unprofessional conduct in receiving fees in the pension claims of a certain Ann Chambers in excess of those allowed by law, until, to

wit:—on the 26th day of April, 1900, when the said Secretary of the Interior revoked, annulled and for naught held the said illegal order of disbarment and directed the defendant to recognize the plaintiff and to restore to him his privilege of and as an attorney before the said Pension Bureau, and the said Secretary of the Interior then and there, to wit: at the said city of Washington on the said 26th day of April, 1900, directed and required the said defendant as the Commissioner of Pensions as aforesaid to restore, recognize, permit and allow the plaintiff to exercise his said franchise as an attorney as aforesaid before the said Pension Bureau and it then and there became and was likewise the ministerial duty of him the defendant to obey said order and to inform all the clients of the plaintiff who had been informed of said suspension and disbarment, of his said restoration to practice as aforesaid, pursuant to law and to the rules, orders and regulations of the said bureau, and the defendant as Commissioner aforesaid, well knowing the premises, and as aforesaid, contriving and intending to injure the plaintiff in his said business, maliciously, falsely, oppressively and unjustly, not regarding the said last aforesaid order of the Secretary of the Interior, refused to wholly restore the plaintiff to his said office and practice as attorney as aforesaid until,

28 to wit: the 22nd day of June, 1900, and prior to said order, and from, to wit; the 5th day of February, 1900, until the 26th day of April, 1900, subsequent to said order, and on and from, to wit:—the 26th day of April 1900, until the 22nd day of June, 1900, the defendant caused and procured the plaintiff's clients and claimants, in many of his said cases before the said Pension Bureau, in which the said plaintiff was the attorney of record to be notified and informed to the tenor and effect that he the said plaintiff had been dropped from the roll of attorneys, practicing before the said Bureau of Pensions, according to and to the tenor of Exhibit "A" hereto attached and made a part hereof and suggested to them his said clients, the said claimants, to procure the substitution and appointment of another attorney or attorneys in the place and stead of the said plaintiff, and without right refused to allow and retained from the plaintiff between, to wit: the 5th day of February, 1900 and thereafter until to-wit: the 22nd day of June, 1900, divers great gains, fees and profits which the plaintiff had earned on his said cases. By reason of all of which premises the plaintiff for a long time, to wit—the 5th day of February, 1900, until the 22nd day of June, 1900, and thereafter has been greatly injured in his reputation as an attorney before the said Bureau of Pensions, and has been otherwise greatly injured in his reputation and circumstances, and has suffered great anxiety and pain of body and mind, and by means of the premises the said plaintiff also lost and was deprived of divers great gains, profits, fees and emoluments which he was lawfully entitled to receive to his great benefit, and also lost large numbers of his clients and persons throughout the United States, who had employed him to prosecute their several claims before

29 the said department and said Pension Bureau and many other persons throughout the United States having like claims before the said department, and said Pension Bureau and elsewhere in his said business as attorney, who thereby refrained from employing him, a more particular description of which said clients and persons to wit: twenty thousand and upwards, it is impossible and too numerous to mention and their number, names and addresses to give, and which are to the plaintiff unknown; and which said knowledge and information respecting said clients and persons having claims, who then and there employed the plaintiff before the said Pension Bureau, is within the knowledge and control of the defendant; and by means of which said premises the plaintiff was also greatly injured in his said business and the use, property and value thereof was greatly and permanently injured, impaired and reduced at and between the several times aforesaid; and also by means of which said premises, the said plaintiff was put to great costs, charges and expenses in the employment of attorneys, to obtain the said cancellation, revocation and annulment of the said order of illegal disbarment; and the plaintiff was also put to great costs, losses, charges and expenses, in and about endeavors to restore his said business and to repair the said injury and impairment thereof; and also in advising and notifying said *said* clients and said other persons throughout the United States of the illegality of his said disbarment during the apparent continuance thereof, and also of the said revocation thereof subsequent to the annulment of the said disbarment, and of the fact that the plaintiff was in good standing and entitled to prosecute their said claims before said department and said Pension Bureau, and has suffered great damages, to the amount of one hundred thousand dollars, and therefore he brings this suit.

30 Third count. The plaintiff Henry D. Phillips further sues the defendant H. Clay Evans for that whereas before and at the time of the committing of the grievances hereinafter mentioned, the plaintiff held the office of and was an attorney duly licensed to practice before the Interior Department of the United States and the several bureaus thereof, and was duly authorized and had the lawful right to practice and prosecute all claims including any claim for pension before the Pension Bureau and had acquired and owned a large practice of great value, to wit: one hundred and fifty thousand (\$150,000) dollars in and about his said business and derived from his said office and business as attorney as aforesaid, and as hereinafter mentioned, sundry great advantages, profits and gains.

And whereas the defendant before and at the time of the committing of the grievances hereinafter mentioned was the Pension Commissioner of the United States and the chief and head of the said Pension Bureau, and whereas, the plaintiff was on the recommendation of the defendant as said Commissioner, without notice and an opportunity for hearing before the Secretary of the Interior of the United States as required by law, by the said Secretary, to wit: on

the 5th day of February, 1900, disbarred from practice as an attorney before said department, which said order of disbarment was by the said Secretary thereafter, to wit: on the 26th day of April, 1900, revoked and annulled.

And whereas the said Secretary of the Interior, on, to wit: the 26th day of April, 1900, by his order to the defendant as said Commissioner, directed and required the said defendant in his said official capacity to restore, recognize, permit and allow the plaintiff to

31 exercise his said franchise as an attorney as aforesaid before said department and said Pension Bureau, and it then and there became and was the ministerial duty of the defendant as said Commissioner to obey said order and to inform the clients of the plaintiff in his said bureau, who, so it was, had been informed of said suspension and disbarment of his, said plaintiff's restoration to practice as aforesaid, and the said defendant as said Commissioner was thereunto so requested to do, yet, to wit on the 26th day of April 1900 and until the 22 day of June 1900 at the city of Washington in the District of Columbia the defendant well knowing his said duty as said Commissioner and well knowing the premises, of his own fault and neglect and without properly superintending the discharge of the duties of said office by reason of his malice and prejudice, which he then and there had and bore toward and against the plaintiff, he the said defendant knowingly refused, omitted and wrongfully, illegally, unjustly, and wilfully permitted, consented, sanctioned, and allowed the subordinate officials under his charge, direction and control in said bureau, and they so did, after due notice to the defendant, to notify and inform the claimants in many of the cases before his said bureau, in which the said plaintiff was the attorney of record, that he, the said plaintiff, had been dropped from the roll of attorneys practicing before said Bureau of Pensions, according to and to the tenor and effect of Exhibit "A" hereto attached and made a part hereof, and suggested in many cases to said claimants to procure the substitution and appointment of another attorney, or attorneys, in the place and stead of the said plaintiff, whereby, and by reason of the premises the plaintiff was, has been and is, greatly injured in his reputation both as an attorney and otherwise throughout the

32 United States, and has suffered great anxiety and pain of body and mind, and has been deprived of divers large gains and profits in his said business of attorney practicing before the said Department of the Interior, and the several bureaus thereof, and especially the said Pension Bureau, and by means of the premises the said plaintiff also lost and was deprived of divers great gains, profits, fees and emoluments which he was lawfully entitled to receive to his great benefit, and also lost large numbers of his clients and persons throughout the United States, who had employed him to prosecute their several claims before the said department and said Pension Bureau and many other persons throughout the United States having like claims before the said department, and

said Pension Bureau and elsewhere in his said business as attorney, who thereby refrained from employing him, a more particular description of which said clients and persons, to wit: twenty thousand and upwards, it is impossible and too numerous to mention, and their number, names and addresses to give, and which are to the plaintiff unknown; and which said knowledge and information respecting said clients and persons having claims, who then and there employed the plaintiff before the said Pension Bureau, is within the knowledge and control of the defendant; and by means of which said premises the plaintiff was also greatly injured in his said business and the use, property and value thereof was greatly and permanently injured, impaired and reduced at and between the several times aforesaid; and also by means of which said premises, the said plaintiff was put to great costs, charges and expenses in the employment of attorneys to obtain the said cancellation, revocation and annulment of the said order of illegal disbarment; and the plaintiff was also put to great costs, losses, charges and expenses, in and about endeavors
33 to restore his said business and to repair the said injury and impairment thereof; and also in advising and notifying said clients and said other persons, throughout the United States of the illegality of his said disbarment during the apparent continuance thereof, and also of the said revocation thereof subsequent to the annulment of said disbarment, and of the fact that the plaintiff was in good standing and entitled to prosecute their said claims before said department and said Pension Bureau, and has suffered great damages to the amount of one hundred thousand dollars and therefore he brings this suit.

Fourth count. The plaintiff, Henry D. Phillips, further sues the defendant H. Clay Evans for that whereas, the said plaintiff, a citizen of the United States, residing in the city of Washington, in the District of Columbia, was, on the 5th day of February, 1900, an attorney practicing before the Interior Department, and the several bureaus thereof, and duly authorized to prosecute any claim for pension before the Pension Bureau, in accordance with the rules and regulations of said Interior Department, and had been such attorney so admitted to practice for upwards of twenty years then last past, yet the said defendant, who was the Pension Commissioner of the United States and the chief or head of the said Pension Bureau on or about the day and year last aforesaid at the city of Washington District of Columbia, contriving and maliciously intending to injure the said plaintiff in his good name, fame and credit, and to bring him into public scandal, infamy and disgrace, and to vex, harrass and injure the said plaintiff, especially in his business of attorney as aforesaid,
34 and without any evidence whatever before him that the plaintiff had been guilty of unlawful and unprofessional conduct in receiving fees in the pension claim of Ann Chambers in excess of those allowed by law, nevertheless unlawfully and mali-

ciously and without any just or probable cause recommended to the Secretary of the Interior, and procured from said Secretary of the Interior an order disbarring him, the said plaintiff, from further practice before the said Department of the Interior, for said alleged unprofessional conduct last aforesaid; that afterwards the said plaintiff filed a petition with the honorable Secretary of the Interior, reciting that the aforesaid disbarment was illegal, and subsequently, and on April 26th, 1900, the said Secretary made an order cancelling and revoking and holding for naught the said order of disbarment of the said plaintiff; that on said 5th day of February, 1900, the said plaintiff was the attorney of record in many thousands of applications for pension pending before the said Department of the Interior, in the Bureau of Pensions thereof, yet, the said defendant, notwithstanding the premises, and well knowing that the said plaintiff had been illegally and unjustly disbarred, without evidence, and well knowing said illegal order of disbarment would be revoked, annulled and held for naught, and that said revocation and cancellation of said order would operate to restore the said plaintiff to the roll of attorneys practicing in said Interior Department and before the bureaus thereof as of the day and time when said illegal order of disbarment was made, and that, therefore in law, the said plaintiff was never disbarred at all from practicing in said department, and before the bureaus

thereof, and that said illegal order of disbarment could not
35 operate to deprive him of any fees or emoluments, to which he was entitled by virtue of the statutes of the United States in such case made and provided, nevertheless, between the said February fifth and April twenty-sixth, 1900, he the said defendant, as Pension Commissioner as aforesaid, notified the claimants in many of the said cases in which the said plaintiff was the attorney of record, that he, the said plaintiff, had been dropped from the roll of attorneys practicing before the said Bureau of Pensions, according to and to the tenor and effect of Exhibit "A" hereto attached and made a part hereof and suggested to them, the said claimants, to procure the substitution and appointment of another attorney, or attorneys, in the place and stead of the said plaintiff, in contravention and disregard of the said plaintiff's rights. By means of which said several premises, he, the said plaintiff, has been, and is, greatly injured in his credit and reputation, and brought into public scandal, infamy and disgrace, with and amongst his neighbors, and other good and worthy citizens of the United States, and divers of those neighbors and citizens, to whom his innocence in the premises was unknown, have, on occasion of the premises, suspected and believed, and still do suspect and believe, that the said plaintiff hath been, and is, guilty of the said offence by the said defendant imputed to his charge, and also the said plaintiff hath, by means of the premises, suffered great anxiety and pain of body and mind, and has been deprived of divers large gains and profits in his said business of attorney practicing before the said Department of the

Interior, and the several bureaus thereof, and especially the Pension Bureau, and by means of the premises the said plaintiff also lost and was deprived of divers great gains, profits, fees
36 and emoluments which he was lawfully entitled to receive to his great benefit, and also lost large numbers of his clients and persons throughout the United States who had employed him to prosecute their several claims before the said department and Pension Bureau and many other persons throughout the United States having like claims before the said department and said Pension Bureau and elsewhere in his business as attorney, who thereby refrained from employing him, a more particular description of which said clients and persons, to wit: twenty thousand and upwards, it is impossible and too numerous to mention, and their numbers, names and addresses to give, and which are to the plaintiff unknown; and which said knowledge and information respecting said clients and persons having claims who then and there employed the plaintiff before the said Pension Bureau, is within the knowledge and control of the defendant; and by means of which said premises the plaintiff was also greatly injured in his said business and the use, property and value thereof was greatly and permanently injured, impaired and reduced at and between the several times aforesaid; and also by means of which said premises, the said plaintiff was put to great costs, charges, and expenses in the employment of attorneys to obtain the said cancellation, revocation and annulment of the said order of illegal disbarment; and the plaintiff was also put to great costs, losses, charges and expenses, in and about endeavors to restore his said business and to repair the said injury and impairment thereof; and also in advising and notifying his said clients and said other persons throughout the United States of the illegality of his said disbarment during the apparent continuance thereof, and also of the said revocation thereof subsequent to
37 the annulment of said disbarment, and of the fact that the plaintiff was in good standing and entitled to prosecute their said claims before said department and said Pension Bureau, and has been otherwise greatly injured in his character, reputation and circumstances, to wit: at Washington in the District of Columbia aforesaid; and has suffered damages to the amount of one hundred thousand dollars, and therefore he brings this suit, etc.

Fifth count. The plaintiff, Henry D. Phillips, further sues the defendant H. Clay Evans for that whereas, the said plaintiff, a citizen of the United States, residing in the city of Washington in the District of Columbia before and at the time of the date of the grievances hereinafter mentioned, was an attorney practicing before the Interior Department and the several bureaus thereof, and duly authorized to prosecute any claim for pension before the Pension Bureau in accordance with the rules and regulations of the said Interior Department, and had been such attorney so admitted to practice for upwards of twenty years then last past, and had been illegally, unlawfully, wrongfully and unjustly, without notice

and hearing, disbarred from further practice before the said Department of the Interior, for alleged unprofessional conduct in receiving fees in the pension claim of Ann Chambers in excess of those allowed by law, whereupon after the said order of disbarment so illegally made as aforesaid, upon the petition of the plaintiff, the said disbarment was declared illegal, and was for naught held, and, to-wit: on the 26th day of April, 1900, the said Secretary of the Interior made an order cancelling and revoking and holding for naught the said order of disbarment of the said plaintiff, and the said defendant then and there was the Pension Commissioner of the United

38 States, and contriving and maliciously intending to injure the plaintiff in his good name, fame and credit and to bring him into public scandal, infamy and disgrace, and to vex, harass and injure the plaintiff in his business as attorney, unlawfully and maliciously and without any just or probable cause, while the plaintiff was attorney of record in many thousands of applications for pensions pending before the said Department of the Interior in the Bureau of Pensions thereof, and well knowing that the said plaintiff had been illegally and unjustly disbarred, and well knowing that the said illegal order of disbarment was, to wit: on the 26th day of April, 1900, revoked, annulled and for naught he'd, and that said revocation and cancellation of said order thereby operated to restore the said plaintiff to the roll of attorneys practicing in said Interior Department and before the bureaus thereof, as it in fact did, after the 26th day of April 1900, and after the making of the said order by the Secretary of the Interior cancelling, annulling and holding for naught the said order disbarring the plaintiff, and notwithstanding the same, the said defendant notified the claimants in many of the said cases in which the plaintiff was the attorney of record, that he the said plaintiff had been dropped from the roll of attorneys, practicing before the said Bureau of Pensions according to and to the tenor and effect of Exhibit "A" hereto attached and made a part hereof, and suggested to them, the said claimants, to procure the substituted and appointment of another attorney or attorneys, in the place and stead of the said plaintiff, in contravention and disregard of said plaintiff's rights, and so continued to send the said notices from to wit: the said 26th day of April, 1900 to the claimants in many other

39 of the cases in which the plaintiff was attorney of record as aforesaid, and to make the said suggestions aforesaid to said claimants until the 22nd day of June, 1900. By means of which said several premises, he, the said plaintiff, has been, and is, greatly injured in his credit and reputation, and brought into public scandal, infamy and disgrace, with and amongst his neighbors, and other good and worthy citizens of the United States, and divers of those neighbors and citizens, to whom his innocence in the premises was unknown, have, on occasion of the premises, suspected and believed, and still do suspect and believe, that the said plaintiff hath been, and is, guilty of the said offence by the said defendant imputed to his charge, and also the said plaintiff hath, by means of

the premises, suffered great anxiety and pain of body and mind, and has been deprived of divers large gains and profits in his said business of attorney practising before the said Department of the Interior, and the several bureaus thereof, and especially the Pension Bureau, and by means of the premises the said plaintiff also lost and was deprived of divers great gains, profits, fees and emoluments which he was lawfully entitled to receive to his great benefit, and also lost large numbers of his clients and persons throughout the United States who had employed him to prosecute their several claims before the said department and Pension Bureau and many other persons throughout the United States having like claims before the said department and said Pension Bureau and elsewhere in his business as attorney, who thereby refrained from employing him, a more particular description of which said clients and persons, to-wit: twenty thousand and upwards, it is impossible and too numerous to mention, and their numbers, 40 names and addresses to give, and which are to the plaintiff unknown; and which said knowledge and information respecting said clients and persons having claims who then and there employed the plaintiff before the said Pension Bureau, is within the knowledge and control of the defendant; and by means of which said premises the plaintiff was also greatly injured in his said business and the use, property and value thereof was greatly and permanently injured, impaired and reduced at and between the several times aforesaid; and also by means of which said premises, the said plaintiff was put to great costs, charges and expenses in the employment of attorneys to obtain the said cancellation, revocation and annulment of the said order of illegal disbarment; and the plaintiff was also put to great costs, losses, charges and expenses, in and about endeavors to restore his said business and to repair the said injury and impairment thereof; and also in advising and notifying his said clients and said other persons throughout the United States of the illegality of his said disbarment during the apparent continuance thereof, and also of the said revocation thereof subsequent to the annulment of said disbarment, and of the fact that the plaintiff was in good standing and entitled to prosecute their said claims before said department and said Pension Bureau, and has been otherwise greatly injured, in his character, reputation and circumstances, to wit: at Washington, in the District of Columbia, aforesaid; and has suffered damages to the amount of one hundred thousand dollars, and therefore he brings this suit, &c.

HAMILTON & COLBERT,
E. H. THOMAS,

Attorneys for Plaintiff.

41

Motion to Strike Out Amended Declaration.

Filed March 15, 1904.

In the Supreme Court of the District of Columbia.

HENRY D. PHILLIPS	}	At Law. No. 44687.
vs.		
H. CLAY EVANS.		

Comes now the defendant, H. Clay Evans, by his attorneys and moves the court to strike out the amended declaration herein filed by the plaintiff and each of the several counts thereof. And for grounds of this motion said defendant assigns the following reasons :

1. That each of the said counts is insensible and unintelligible.
2. That the first, second and fourth counts thereof are double, in that each of said counts unites two causes of action.
3. That the second count states no cause of action, all the averments thereof being made solely by way of recital.
4. That the third count of said amended declaration is defective in that it contains no averment as to the time or place of the commission of the alleged torts therein mentioned
5. That the said third count states a new cause of action.
6. That the causes of action stated in third and fifth counts of said amended declaration did not accrue to plaintiff within one year before the filing of said amended declaration.
- 42 7. That the causes of action stated in said third and fifth counts did not accrue to the plaintiff within three years before the filing of said amended declaration.
8. That the cause of action indicated in each of the counts in said amended declaration is in its nature one of libel, and that none of said counts sets out any libellous words or other writings.
9. That each count of said amended declaration shows upon its face that the acts complained of were done by the defendant in his official capacity as Commissioner of Pensions and in the discharge of his official duty as such Commissioner, and are therefore absolutely privileged and cannot be made the subject of an action at law.
10. That the several items of special damage specified in each of said counts are not matters for which the plaintiff is entitled to recover damages from this defendant, for the reason that the said matters as alleged were the result of the disbarment of the plaintiff for which he is not entitled to claim damages from this defendant.
11. That the several items of special damage specified in each of said counts are barred by the statute of limitations.

12. That none of said counts states a cause of action sufficient in law.

13. That none of said counts lay venue.

MORGAN H. BEACH,
CHARLES A. KEIGWIN,
JESSE C. ADKINS,
Attorneys for Defendant.

43 EXHIBIT "A," Referred to and a Part of Each Count of the Amended Declaration.

Filed March 16, 1904.

Certificate division. 3-165bb.

Act of June 27, 1890.

Notice of Issues and Fees.

DEPARTMENT OF THE INTERIOR,
BUREAU OF PENSIONS,
WASHINGTON, D. C., Apr. 30, 1900.

MADAM: Herewith is transmitted a certificate, No. 492,238, for orig. pension, issued this day in your favor, accompanied by a voucher for the amount now due and payable thereon.

You should execute the voucher in accordance with the printed instructions, and return it to the pension agent at N. Y. city who will then send directly to your address, a check for the pension due.

Your recognized attorney, H. D. Phillips, of Washington whose fee is ten dollars, which is payable by the pension agent.

Claim completed prior to disbarment.

Very respectfully,

H. CLAY EVANS,
Commissioner.

F.

Catherine Cowman, N. Y. city, N. Y.

44 *Demurrer to Amended Declaration.*

Filed March 16, 1904.

In the Supreme Court of the District of Columbia.

HENRY D. PHILLIPS	}	At Law. No. 44687.
vs.		
H. CLAY EVANS.		

Comes now the defendant, by his attorneys, and says that the amended declaration, and each of the several counts thereof, is bad in substance.

M. H. BEACH,
C. A. KEIGWIN,
J. C. ADKINS,
Attorneys for Defendant.

45 NOTE.—Among the matters of law intended to be argued in support of the foregoing demurrer are the following:

1. That the cause of action stated in each of the several counts of said declaration is properly one of libel and is not so alleged, there being no libellous words or other libellous writings set out.

2. That the acts of the defendant as alleged in the said several counts were done in the official capacity of the said defendant as Commissioner of Pensions and in the discharge of his duty as such officer, and are for that reason not the subject of an action against the said defendant.

3. That there is no sufficient averment of damages in any of the said several counts.

4. That the said declaration, and each of the several counts thereof, does not state a cause of action sufficient in law.

46 Supreme Court of the District of Columbia.

WEDNESDAY, *March 16, 1904.*

Session resumed pursuant to adjournment, Hon. Harry M. Claibagh, chief justice, presiding.

HENRY D. PHILLIPS, Plaintiff,	} No. 44687. At Law.
vs.	
H. CLAY EVANS, Defendant.	

Come again the parties hereto aforesaid, in manner aforesaid, and the same jury heretofore sworn herein. Whereupon, upon consideration of the motion filed herein March 15th, 1904, to strike out the amended declaration filed herein March 14th, 1904, it is ordered that said motion be, and the same is hereby overruled. Thereupon, upon motion of plaintiff's attorneys in open court, a juror is withdrawn by the plaintiff, and the remaining jurors are discharged from further considering the case, and leave is granted plaintiff to forthwith further amend his original and amended declarations herein as advised. Whereupon, upon the filing of said declarations as amended, and demurrer thereto, it is upon consideration thereof ordered that said demurrer be, and the same is hereby sustained. Thereupon, the plaintiff by his attorney in open court, electing to stand upon said declarations, the defendant prays judgment; and thereupon, it is considered and adjudged that the plaintiff herein take nothing by this action; that the defendant go hereof without day, and recover of the plaintiff his costs of defense, to be taxed by the clerk, and have execution thereof.

47 Thereupon, the plaintiff by his attorneys in open court, notes an appeal to the Court of Appeals of the District of Columbia, and prays that bond be fixed; whereupon, it is ordered that the plaintiff shall furnish a bond for costs herein on such ap-

peal, with surety or sureties to be approved by this court in the penalty of one hundred (\$100.00) dollars.

Memorandum.

March 17, 1904.—Appeal bond filed.

Designation as to Transcript.

Filed March 31, 1904.

In the Supreme Court of the District of Columbia.

HENRY D. PHILLIPS	}	At Law. No. 44687.
vs.		
H. CLAY EVANS.		

To the clerk of the supreme court of the District of Columbia :

Pursuant to the provisions of rule No. 5, of the Court of Appeals of the District of Columbia, and on behalf of the plaintiff, Henry D. Phillips, appellant in the appeal to the Court of Appeals,
 48 we hereby designate the following as the parts of the record which we desire to be included in the transcript to be sent to the Court of Appeals :

- (1.) Original declaration.
- (2.) Demurrer to original declaration.
- (3.) Order overruling demurrer to original declaration.
- (4.) Bill of particulars.
- (5.) Amended declaration.
- (6.) Motion to strike out amended declaration.
- (7.) Order overruling motion to strike out amended declaration.
- (8.) Demurrer to amended declaration.
- (9.) Order sustaining demurrer to amended declaration.
- (10.) Minutes of the proceedings on March 16th, 1904.
- (11.) Memorandum of bond on appeal.

E. H. THOMAS,
 HAMILTON & COLBERT,
Attorneys for Plaintiff and Appellant.

Service of a copy of the above acknowledged this 31st day of March, A. D. 1904.

C. A. KEIGWIN.

49

Designation by Defendant.

Filed April 5, 1904.

In the Supreme Court of the District of Columbia.

HENRY D. PHILLIPS	}	At Law. No. 44687.
vs.		
H. CLAY EVANS.		

To the clerk of the supreme court of the District of Columbia :

The defendant hereby designates the following matters to be included in the transcript of the record in addition to those enumerated by the plaintiff, which the defendant deems necessary and material to the appeal.

1. Plea filed March 3, 1902.
2. Joinder in issue filed March 6, 1902.
3. Order for bill of particulars, made Dec. 21, 1903.
4. Minutes of proceedings on March 8th, swearing and respiting of jury, except action on motions to strike out depositions; and minutes of proceedings on March 9th leave to amend declaration respiting jury and — 15th 1904, respiting jury.

MORGAN H. BEACH,
C. A. KEIGWIN,
JESSE C. ADKINS,
Attorneys for Defendant.

50

Plea.

Filed March 3, 1902.

In the Supreme Court of the District of Columbia.

HENRY D. PHILLIPS, Plaintiff,	}	No. 44687. At Law.
vs.		
H. CLAY EVANS, Defendant.		

For plea to the plaintiff's declaration the defendant says that he is not guilty as alleged.

ASHLEY M. GOULD,
Attorney for Defendant.

Joinder of Issue.

Filed March 6, 1902.

In the Supreme Court of the District of Columbia.

HENRY D. PHILLIPS	}	No. 44687. At Law.
vs.		
H. CLAY EVANS.		

The plaintiff joins issue upon the defendant's plea filed in the above-entitled cause.

HAMILTON & COLBERT,
Attorneys for Plaintiff.

51 Supreme Court of the District of Columbia.

MONDAY, *December 21st*, 1903.

Session resumed pursuant to adjournment, Hon. Harry M. Cla-
baugh, chief justice, presiding.

HENRY D. PHILLIPS, Plaintiff,	}	At Law. No. 44687.
vs.		
H. CLAY EVANS, Defendant.		

Upon consideration of defendant's motion for a bill of particulars, filed herein October 6th, 1903, it is ordered that the same be, and it is hereby granted, and the defendant is ordered to file such bill of particulars herein on or before December 30th. 1903.

TUESDAY, *March 8th*, 1904.

Session resumed pursuant to adjournment, Hon. Harry M. Cla-
baugh, chief justice, presiding.

* * * * * *

HENRY D. PHILLIPS, Plaintiff,	}	No. 44687. At Law.
vs.		
H. CLAY EVANS, Defendant.		

Upon consideration of the motion filed herein March 7th, 1904, to suppress the deposition of Garrett D. W. Vroom, it is ordered that said motion be, and the same is hereby overruled: Further upon consideration of the motion filed herein March 7th, 1904, to

52 suppress the depositions of Robert J. Brace; Oliver C. Bowman; William G. Howell; John H. Scudder; Leslie C. Pearson, Joseph R. Sweeney and Samuel W. Thorp, on behalf of the plaintiff filed herein, it is ordered that said motion be, and the same

is hereby granted: Whereupon said depositions are hereby ordered suppressed.

Thereupon, comes the plaintiff by his attorneys Messrs. Hamilton & Colbert and E. H. Thomas, as the defendant by his attorneys Messrs. J. C. Adkins and Keigwin, and a jury of good and lawful men of this District, to wit: Wm. F. Kendrick; Edw. Green; Chas. Tolson; R. H. Johnson; John H. Dunlop; S. J. Vaughan; James A. O'Brien; John Garden; Clarence S. Heffner; James W. Selby; Wm. A. Stewart and J. Edward Bates, who are duly sworn to well and truly try the issues herein joined and after hearing the same in part, are respited until the meeting of the court, to-morrow.

* * * * *

WEDNESDAY, *March 9th*, 1904.

Session resumed pursuant to adjournment, Hon. Harry M. Cla-
baugh, chief justice, presiding.

HENRY D. PHILLIPS, Plaintiff,	} No. 44687. At Law.
vs.	
H. CLAY EVANS, Defendant.	

Come again the parties hereto aforesaid in manner aforesaid and the same jury that was respited yesterday, whereupon after further hearing, the plaintiff by his attorneys in open court, moves for leave to amend his declaration herein, which is granted; and said
53 plaintiff is hereby given leave to amend his declaration
herein, as advised, until Monday morning, March 14th, 1904,
at 10 o'clock. The jury is thereupon respited, until Monday next
at 10 a. m.

Supreme Court of the District of Columbia.

TUESDAY, *March 15th*, 1904.

Session resumed pursuant to adjournment, Hon. Harry M. Cla-
baugh, chief justice, presiding.

HENRY D. PHILLIPS, Plaintiff,	} No. 44687. At Law.
vs.	
H. CLAY EVANS, Defendant.	

Come again the parties herein aforesaid in manner aforesaid, and thereupon arguments upon the motion to strike out the amended declaration are heard, and the jury is respited until to-morrow morning at 10 o'clock.

54 Supreme Court of the District of Columbia.

UNITED STATES OF AMERICA, } ss :
District of Columbia,

I, John R. Young, clerk of the supreme court of the District of Columbia, hereby certify the foregoing pages, numbered from 1 to 53, inclusive, to be a true and correct transcript of the record, as per directions of counsel herein filed, copy of which is made part of this record, in cause No. 44,687, at law, wherein Henry D. Phillips is plaintiff, and H. Clay Evans is defendant, as the same remains upon the files and of record in said court.

In testimony whereof, I hereunto subscribe
Seal Supreme Court my name and affix the seal of said court, at
of the District of the city of Washington, in said District, this
Columbia. 20th day of April, A. D. 1904.

JOHN R. YOUNG, *Clerk.*

Endorsed on cover: District of Columbia supreme court. No. 1425. Henry D. Phillips, appellant, vs. H. Clay Evans. Court of Appeals, District of Columbia. Filed Apr. 26, 1904. Henry W. Hodges, clerk.

